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3 **BEFORE THE STATE OF WASHINGTON**
4 **ENERGY FACILITY SITE EVALUATION COUNCIL**

5 In the Matter of
6 Application No. 2004-1

7 WIND RIDGE POWER PARTNERS, LLC.
8 WILD HORSE WIND POWER PROJECT
9

INTERVENOR LATHROP'S
OBJECTION TO COUNCIL
ORDER 805; PRE-HEARING
ORDER GRANTING, ON
CONDITION, PETITIONS FOR
INTERVENTION

10 The Council recently issued Pre-Hearing Order No. 1, Council Order 805, granting and
11 conditioning certain petitions for intervention. Pursuant to WAC 463-30-270(3), Lathrop objects
12 to said Order. Lathrop objects to said Order on the following basis:

13 1. EFSEC's decision with respect to Lathrop's petition for intervention is
14 inconsistent with WAC 463-30-400 which establishes the basis on which an individual or
15 organization should be allowed to intervene and WAC 463-30-410 which addresses limitations
16 that may be placed upon an intervenor.

17 2. Lathrop objects to EFSEC's decision with respect to the Economic Development
18 Group of Kittitas County. There is no evidence the Economic Development Group of Kittitas
19 County has established a direct interest in the economic development of this project. There is
20 also no evidence in the record to support EFSEC's finding that Economic Development Group of
21 Kittitas County has any statutory authority. The Economic Development Group of Kittitas
22 County asserts it has authority but they offer no proof.

23 3. The Council's assertion that there must be "specific, concrete, legal interests that
24 is different from that of the general public" is not supported by WAC 463-30-400 nor EFSEC's
25 enabling statute nor case law. If Lathrop cannot intervene on issues because he has to show
26 specific, concrete, legal interests that are different from that of the general public, then both
Friends of Wildlife and Wind Power and the Economic Development Group of Kittitas County

1 should not be allowed to intervene because their issues are not specific, concrete issues which are
2 different from the general public.

3 For these reasons, Lathrop objects to Council Order No. 805.

4 Dated this _____ day of December, 2004.

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6 Jeff Slothower – WSBA #14526
7 Attorney for Intervenor Lathrop
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